

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 4:17-cv-131 |
| |) | |
| S.H. BELL COMPANY, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

UNITED STATES OF AMERICA’S
NOTICE OF LODGING OF PROPOSED CONSENT DECREE

Plaintiff United States of America by and through its undersigned attorneys, respectfully lodges the attached proposed Consent Decree with this Court.

1. Plaintiff filed a complaint in this matter against S.H. Bell Company (“S.H. Bell” or “Defendant”) pursuant to Section 113(b) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(b), and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9606, to obtain injunctive relief to address and abate emissions of ambient manganese from Defendant’s facility that may present an imminent and substantial endangerment to the public health or welfare or the environment under CAA Section 303, 42 U.S.C. § 7603, and CERCLA Section 106, 42 U.S.C. § 9606.

2. The parties have entered into a proposed Consent Decree which has been signed by authorized representatives of the United States and Defendant.

3. The Court should not enter the attached proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any.

4. In accordance with 28 C.F.R. § 50.7 (1996) and CERCLA Section 122(d)(2), 42 U.S.C. § 9622(d)(2), following the lodging of the proposed Consent Decree, the United States Department of Justice will publish notice of the Consent Decree in the Federal Register to commence a 30-day comment period.

5. If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decree along with the United States' response to those comments.

6. The United States may withdraw or withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

7. At the conclusion of the public comment period, the United States will either: (1) notify the Court of its withdrawal of the proposed Consent Decree, or (2) respond to any comments received and move this Court to enter the proposed Consent Decree.

8. This commenting procedure is also identified and articulated in the proposed Consent Decree itself. See Consent Decree, Paragraph No. 89.

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Wherefore, the United States respectfully gives notice of the lodging of the proposed Consent Decree.

Respectfully submitted,

JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division

s/ Jeffrey A. Spector.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *United States of America's Notice of Lodging of Proposed Consent Decree* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. mail. Parties may access this filing through the Court's system.

1/18/17

Date

s/ Jeffrey A. Spector

Jeffrey A. Spector